IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 14976 of 2005(G)

OS.388/2003 of PRL.SUB COURT,IRINJALAKUDA

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PETITIONER:

VASANTHA KUMARI,
AGED 46, W/O.SASIDHARA MENON,
KIZHEKINIYEDATH HOUSE, ERAVATHOOR DESOM,
KAKULASSERY VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.V.A.PRADEEP KUMAR

RESPONDENT:

NALINI AMMA,
D/O.PANKAJAKSHI AMMA, PANAMPILLY HOUSE,
KUTTIKATTU KARA, P.O.ELOOR,
PATHALAM, ERNAKULAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.14976/05

APPENDIX

PETITIONER'S EXTS:

EXT.P1 - TRUE COPY OF THE CERTIFICATE DT.25.6.1973 ISSUED BY THE LAND TRIBUNAL, MALA BEARING NO.389/76

EXT.P2 - TRUE COPY OF PETITION FILED BY PETR. IN I.A.1201/05 IN O.S.388/03 DT.17.5.05.

/TRUE COPY/

PIUS C. KURIAKOSE,J.

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W.P.(C) No.14976 of 2005

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Dated: 1st August, 2007

JUDGMENT

The petitioner has not remitted process so far though notice was ordered as far back as in 2005. Learned counsel for the petitioner seeks two days' time for remitting the process. But I find that the only prayer in the Writ Petition is that Ext.P2 application filed by the petitioner be directed to be considered and in the meanwhile the trial of the suit be stayed. The suit is of the year 2003 and concededly the application Ext.P2 was filed when the suit was special listed for trial. Though stay was asked for, this court did not grant the same. In all probability the trial of the suit is already over. Even if the trial is not over, the petitioner does not have to worry since I have reason to believe that by this time the petitioner has already obtained the certified copy of the adverse order which was passed by the Land Tribunal against the petitioner and the petitioner has been able to prefer an appeal. I dispose of the Writ Petition permitting the petitioner to move appropriate application before the Land Reforms Appellate Authority for an expeditious disposal of the appeal, if any, filed by the petitioner against the order in O.A.No.93/1973. It is open to the petitioner to take advantage of any favourable order

which the petitioner may obtain from the Land Reforms Appellate Authority in the proceedings before the civil court even if it be in the appeal which the petitioner may have to file against the decree in the suit.

srd **PIUS C.KURIAKOSE, JUDGE**